

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IDENIX PHARMACEUTICALS, INC.,
UNIVERSITA DEGLI STUDI DI
CAGLIARI, CENTRE NATIONAL DE LA
RECHERCHE SCIENTIFIQUE and
L'UNIVERSITE MONTPELLIER II,

Plaintiffs,

v.

GILEAD SCIENCES, INC. and GILEAD
PHARMASSET LLC,

Defendants.

C.A. No. 13-1987-LPS

IDENIX PHARMACEUTICALS, INC.,
UNIVERSITA DEGLI STUDI DI
CAGLIARI, CENTRE NATIONAL DE LA
RECHERCHE SCIENTIFIQUE and
L'UNIVERSITE MONTPELLIER II,

Plaintiffs,

v.

GILEAD PHARMASSET LLC,

Defendant.

C.A. No. 14-109-LPS

IDENIX PHARMACEUTICALS, INC. and
UNIVERSITA DEGLI STUDI DI
CAGLIARI,

Plaintiffs,

v.

GILEAD SCIENCES, INC.

Defendant.

C.A. No. 14-846-LPS

**DECLARATION OF TASHA M. FRANCIS IN SUPPORT OF DEFENDANTS' OPENING
CLAIM CONSTRUCTION BRIEF**

I, Tasha M. Francis, declare as follows:

1. I am an attorney with Fish & Richardson P.C., counsel for Defendants Gilead Sciences, Inc. and Gilead Pharmasset LLC. I am a member of the Bar of the State of Minnesota and am admitted *pro hac vice* to this Court. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. Attached as Exhibit 1 is a true and correct copy of an article by Raymond T. Chung & Thomas F. Baumert, *Curing Chronic Hepatitis C—The Arc of a Medical Triumph*, 370 N. ENG. J. MED. 1576 (2014).

3. Attached as Exhibit 2 is a true and correct copy of an article by Andrew Pollack, *F.D.A Approves Pill to Treat Hepatitis C*, N.Y. TIMES (Dec. 6, 2013), http://www.nytimes.com/2013/12/07/business/fda-approves-pill-to-treat-hepatitis-c.html?_r=1.

4. Attached as Exhibit 3 is a true and correct copy of an article by Jonathan D. Rockoff & Joseph C. Walker, *FDA Approves Gilead's Hepatitis C Drug*, WALL STREET J. (Dec. 6, 2013, 6:53 PM ET), <http://www.wsj.com/articles/SB10001424052702303722104579242651212739832>.

5. Attached as Exhibit 4 is a true and correct copy of *Sovaldi® Prescribing Information*, GILEAD SCIS., INC. (Dec. 2013), bates numbered GILEAD01025406 – GILEAD01025439.

6. Attached as Exhibit 5 is a true and correct copy of an excerpt from Raymond F. Schinazi et al., *Approaches for the Development of Antiviral Compounds: The Case of Hepatitis C Virus*, in 189 HANDBOOK OF EXPERIMENTAL PHARMACOLOGY: ANTIVIRAL STRATEGIES 25 (Hans-Georg Krausslich & Ralf Bartenschlager eds., 2009), bates numbered GILEAD01759543 – GILEAD01759569.

7. Attached as Exhibit 6 is a true and correct copy of a Review by Gustine Liu-Young & Michael J. Kozai, Review, *Hepatitis C Protease and Polymerase Inhibitors in Development*, 22 AIDS PATIENT CARE & STDs 449 (2008), bates numbered IDXDE00218250 – IDXDE00218258.

8. Attached as Exhibit 7 is a true and correct copy of *Sommadossi v. Clark*, No. 105,871 (P.T.A.B. Jan. 29, 2014) (Decision on Priority), bates numbered GILEAD05079206 – GILEAD05079232.

9. Attached as Exhibit 8 is a true and correct copy of the *Clark v. Storer*, No. 105,981 (P.T.A.B. Jan. 16, 2015) (Decision on Motions).

10. Attached as Exhibit 9 is a true and correct copy of *Storer v. Clark*, No. 105,981, 2015 WL 1325503 (P.T.A.B. Mar. 23, 2015) (Judgment).

11. Attached as Exhibit 10 is a true and correct copy of Complaint, *Idenix Pharms. LLC v. Gilead Pharmasset LLC*, No. 1:15cv416 (D. Del. May 21, 2015).

12. Attached as Exhibit 11 is a true and correct copy of *Clark v. Storer*, No. 105,981 (P.T.A.B. May 28, 2015) (Storer Second Notice of Judicial Review).

13. Attached as Exhibit 12 is a true and correct copy of *Gilead Scis. Eur. Ltd. v. Idenix Pharms., Inc.*, Nos. 12-155575TVI-OTIR/01 & 13-170456TVI-OTIR/01 (Nor. Oslo D. Ct. Mar. 21, 2014), bates numbered GILEAD05079854 – GILEAD05079895.

14. Attached as Exhibit 13 is a true and correct copy of *Sommadossi v. Clark*, No. 105,871, 2014 WL 343773 (P.T.A.B. Jan. 29, 2014) (Judgment).

15. Attached as Exhibit 14 is a true and correct copy of *Idenix Pharms., Inc. v. Gilead Scis., Inc.* [2014] EWHC (Pat) 3916, bates numbered GILEAD05079921 – GILEAD05080076.

16. Attached as Exhibit 15 is a true and correct copy of Skeleton Argument of the Claimant and Part 20 Defendants, *Idenix Pharms., Inc. v. Gilead Scis., Inc.* [2014] EWHC (Pat) 3916.

17. Attached as Exhibit 16 is a true and correct copy of pages from OXFORD DICTIONARY OF BIOCHEMISTRY AND MOLECULAR BIOLOGY (A D Smith et al. eds., 1st ed. 2000).

18. Attached as Exhibit 17 is a true and correct copy of pages from THE MERCK INDEX (Maryadele J. O'Neil et al. eds., 13th ed. 2001).

19. Attached as Exhibit 18 is a true and correct copy of *Clark v. Sommadossi*, No. 105,871 (P.T.A.B. Mar. 22, 2013) (Decision on Motions), bates numbered GILEAD05079174 – GILEAD05079205.

20. Attached as Exhibit 19 is a true and correct copy of pages from FIDELIS MANYANGA & ALEC SITHOLE, NUCLEIC ACIDS STRUCTURE & FUNCTION FOR GENERAL BIOCHEMISTRY, BIOLOGY & BIOTECHNOLOGY (2014).

21. Attached as Exhibit 20 is a true and correct copy of pages from THE AMERICAN HERITAGE DICTIONARY (Houghton Mifflin Co. 4th ed. 2000), bates numbered GILEAD00000986 – GILEAD00000989.

22. Attached as Exhibit 21 is a true and correct copy of pages from I. DAVID REINGOLD, ORGANIC CHEMISTRY (2007).

23. Attached as Exhibit 22 is a true and correct copy of pages from MARYE ANNE FOX & JAMES K. WHITESELL, ORGANIC CHEMISTRY (2d ed. 1997).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Executed this 23rd day of June, 2015.

/s/ Tasha M. Francis

Tasha M. Francis

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